

REMARKS

Summary of the Office Action.

Claims 1-34, 36-49, 57, and 63-78 are pending in this application.

Claim 1-34, 36-49, 57, and 63-78 have been rejected under 35 U.S.C. 103(a) as being obvious from Bertagna et al. U. S patent No. 5,057,677 (“Bertagna”) in view of one or more U.S. Patents: claims 1, 2, 10, 13, 14, 16-18, 31, 33, 39, 43, 44, 47, 48, 57, 64,-67, 69, 72, 73, 75, and 76 in view of Sherman et al. U.S. Patent No. 6,189,788 (“Sherman”); claims 3-5 and 38 in view of Sherman, and further in view of Miller U.S. Patent No. 5,202,825 (“Miller”); claims 6 and 40 in view of Sherman, and further in view of Swartz et al. U.S. Patent No. 5,594,228 (“Swartz”); claims 7, 8, 11, 12, 20, 21, 23, 24, 28, 29, 32, 34, 36, 41, 42, 68, 70 and 77 in view of Sherman, and further in view of Modiano et al. U.S. Patent No. 5,670,768 (“Modiano”); claims 9 and 46 in view of Sherman, and further in view of Postrel et al. U.S. Patent No. 6,003,008 (“Postrel”); claims 15, 37 and 71 in view of Sherman, and further in view of Ju U.S. Patent No. 5,811,774 (“Ju”); claims 19, 49 and 78 in view of Sherman, and further in view of Talati et al. U.S. Patent No. 5,903,878 (“Talati”); claims 22 in view of Sherman and Modiano, and further in view of Ju; claim 25 in view of Sherman and Modiano, and further in view of Miller and Swartz; claim 26 in view of Sherman, and Modiano, and further in view of Bernard et al. U.S. Patent No. 5,918,213 (Bernard”); claim 27 in view of Sherman, and Modiano, and further in view of Postrel; claim 30 in view of Sherman and Modiano, and further in view of Talati; claims 45 and 74 in view of Sherman, and further in view of Bernard.

Claim 63 has been rejected under 35 U.S.C. 103(a) as being obvious from Bertagna as modified by Sherman, and further in view of Schneider U.S. Patent No. 4,887,208 (“Schneider”).

Applicants' Reply

Applicants have cancelled claims 1-62 and 64-78 without prejudice to their rights to pursue the subject matter of the cancelled claims in continuation or related applications. Applicants respectfully traverse rejection of claim 63.

Claim 63

As previously noted, claim 63 relates to method for making functions available to mobile radio terminal users. The method involves the steps of "receiving" user-specific identification data at the radio terminals and "radio communicating" the user-specific identification data from the terminal to a host processor. In response, the host processor determines authorized functions that can be made available to the particular user. A list of authorized functions is communicated via radio to the terminal where the user can select to activate certain functions from the authorized list of functions. The host processor activates the selected functions at the terminal.

Claim 63 has been rejected as being obvious to one of ordinary skill in the art in view of the combination Bertagna, Sherman and Schneider. The Examiner again notes that Bertagna and Sherman fail to teach or suggest that the tendering station determines an authorization hierarchy. Then, the Examiner states that Schneider teaches an inventory and sales control system, which comprises a remote computer for conducting various transactions such as sales and/or maintenance functions wherein all users have different access levels according to an authority level distinguished by an access code. Examiner concludes that it would be obvious for a person of ordinary skill in the art to implement the "well known hierarchal access control mode" as taught by Schneider to the PTMU system of Bertagna/Sherman. (Office Action, section 17 page 15). Applicants respectfully traverse.

Schneider, as the Examiner correctly notes, relates to inventory and sales ordering system based on a central computer linked to remote computers that are provided at points of sales (i.e., fabric stores) or at manufacturing locations. However, applicants' respectfully submit that the Examiner misreads and misapplies Schneider to claim 63.

As correctly noted by the Examiner, Schneider describes a conventional computer network for interactive order entry and processing (e.g., by which sales orders are communicated between sales or store personnel and the factory) in the case of furniture sales. (See e.g., col. 6 line 41 - col. 7 line 56, etc.). However, Schneider does not show, teach or suggest, “receiving user-specific identification data on the mobile terminal and communicating the user-specific identification data to the host processor via wireless radio” and the subsequent steps of claim 63.

Schneider’s remote computer is pre-loaded with display screens/software for various maintenance functions. (See e.g., col. 9 lines 28- col. 13 lines 38). In response to user entry, access control is provided entirely by software at the remote computer itself. (See e.g., col. 14 lines 15-39, and FIGS. 4a- 4b). (See also claim 8: “remote computer means includes means for ... designating hierarchal levels of access,” and claim 9). This is contrast to applicants’ invention, in which the mobile radio terminals are not remote computers. The mobile terminals may be relatively passive or dumb circuits. In applicants’ invention, access control and terminal functions are governed/ activated by the host processor and not the mobile terminal itself.

Schneider not only does not transmit user-specific identification data to the central computer, he also does not operate his central computer to perform the further steps required by applicants claim 63. For example, Schneider’s does not show, teach or suggest, using the central computer to “hierarchically determine authorized functions to be made available to said user, using said identification data received via wireless radio,” “accordingly, communicate the identity of such authorized functions to the mobile terminal,” and “provide the mobile-terminal user selected ones of said authorized functions to said terminal.” (See e.g., col. 14 lines 15-39, and FIGS. 4a- 4b, claims 6- 9). Schneider’s remote computers are configured to operate “without the necessity of communicating with the main computing means.” (See claim 6).

Thus, the elements of clam 63 are not shown, taught or suggested by the cited references even if they are viewed in combination. In particular, the cited prior art does show

teach or suggest the method steps of (1) receiving identification data specific to said user on said mobile terminal and communicating said identification data to said host processor via wireless radio; (2) operating said host processor to hierarchically determine authorized functions . . . using said identification data received via wireless radio (3) accordingly, communicating a message using radio data communication to said terminal identifying available authorized functions; and (4) operating said host processor to provide user selected ones of said authorized functions to said terminal.

Therefore, applicants respectfully submit that Examiner's finding of obviousness (Office Action, section 19 page 17) is mistaken. Applicants respectfully request that the rejection of claim 63 be withdrawn.

Conclusion

The foregoing demonstrates that claim 63 is in condition for allowance. Reconsideration and allowance of this application are respectfully requested. If there are any remaining issues to be resolved, applicants request that the Examiner kindly contact the undersigned attorney for a telephone interview in order to advance the prosecution of this case.

Respectfully submitted,

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